

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-12779

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT APR 4, 2006 THOMAS K. KAHN CLERK
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D. C. Docket No. 04-20284-CV-AJ

ABRAHAM FLEMENBAUM, M.D.,
LEON FLEMENBAUM, M.D.,

Plaintiffs-Appellants,

versus

FLORIDA DEPARTMENT OF CHILDREN & FAMILIES,

Defendant-Appellee,

SECRETARY OF THE FLORIDA DEPARTMENT OF CHILDREN &
FAMILIES, Jerry Regier, in his official capacity,

Defendant.

Appeal from the United States District Court
for the Southern District of Florida

(April 4, 2006)

Before TJOFLAT and HULL, Circuit Judges, and RESTANI*, Judge.

*Honorable Jane A. Restani, Chief Judge, United States Court of International Trade,
sitting by designation.

PER CURIAM:

Plaintiffs-Appellants Abraham Flemenbaum, M.D. and Leon Flemenbaum, M.D. (the “Flemenbaums”) seek to open methadone treatment clinics in Broward County and Miami-Dade County, Florida.

The Flemenbaums filed suit against the Florida Department of Children & Families (“DCF”) and its Secretary, alleging that in prohibiting the Flemenbaums from opening methadone clinics, DCF violated the Americans With Disabilities Act (“ADA”), the Rehabilitation Act of 1974 (“Rehabilitation Act”), the Fourteenth Amendment of the United States Constitution, and the Florida Constitution. The district court granted summary judgment to DCF and its Secretary on all counts, and the Flemenbaums appeal the district court’s grant of summary judgment on only their ADA and Rehabilitation Act claims.¹

After review and oral argument, we affirm the district court’s grant of summary judgment in favor of DCF and its Secretary, for the reasons stated in the district court’s order of April 29, 2005.

AFFIRMED.

¹The Flemenbaums do not appeal the district court’s entry of summary judgment against them on Counts IV and V of their Second Amended Complaint (the Fourteenth Amendment claim and the Florida Constitutional claim).